

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, CASE NO.: 20-CR-382-RAM  
Plaintiff,  
v. Hato Rey, Puerto Rico  
(3) JOSE RAUL DOTEL, December 12, 2023  
Defendant. Tuesday - 10:50 a.m.

SENTENCING PROCEEDINGS  
BEFORE THE HONORABLE CHIEF JUDGE RAUL ARIAS-MARXUACH  
UNITED STATES DISTRICT COURT OF PUERTO RICO

APPEARANCES:

For the United States

**AUSA Hector Siaca-Flores**  
United States Attorney's Office  
350 Carlos Chardon Ave.  
Suite 1201  
San Juan, PR 00918

For the Defendant Dotel (3)

**Juan F. Matos-De-Juan, Esquire**  
Matos de Juan Law Office  
255 Ponce De Leon Ave.  
MCS Plaza, Suite 1210  
San Juan, PR 00917  
787-509-2335  
Email: matos@sgmr.net

Courtroom Deputy:

**Ms. Natassia Z. Ochoa**

P-R-O-C-E-E-D-I-N-G-S

[10:50 a.m.]

1           **COURTROOM DEPUTY:** Criminal Case Number 20-382,  
2 United States of America versus Jose Raul Dotel for  
3 Sentencing Hearing.

4           On behalf of the Government is Hector Siaca-Flores.

5           On behalf of the Defendant is Juan Matos-De-Juan.

6           The Defendant is present and being assisted by a  
7 certified Court Interpreter.

8           **THE COURT:** Good morning, counsel. Please enter  
9 your appearances for the record.

10          **MR. SIACA-FLORES:** Good morning, Your Honor. AUSA  
11 Hector Siaca-Flores for the Government. We are ready to  
12 proceed.

13          **MR. MATOS DE JUAN:** Good morning, Judge. Juan Matos  
14 De Juan on behalf of Mr. Dotel.

15          **THE COURT:** Mr. Dotel, can you hear the  
16 interpretation of the proceedings through the headset?

17          **THE DEFENDANT:** Yes.

18          **THE COURT:** Mr. Matos, did you discuss, in Spanish,  
19 the full contents of the Presentence Investigation Report  
20 with Mr. Dotel before today?

21          **MR. MATOS DE JUAN:** I have, Judge.

22          **THE COURT:** Mr. Dotel, have you understood your  
23 attorney's explanations concerning your case?

24          **THE DEFENDANT:** Yes.

25          **THE COURT:** Do you have any doubts concerning the

1 Probation Officer's report?

2 **THE DEFENDANT:** No.

3 **THE COURT:** Mr. Matos, do you have any objections to  
4 the Presentence Investigation Report?

5 **MR. MATOS DE JUAN:** I do not have any objections to  
6 the Presentence Investigation Report, Judge.

7 **THE COURT:** AUSA Siaca, do you have any objections  
8 to the Presentence Investigation Report?

9 **MR. SIACA-FLORES:** No objections, Your Honor.

10 **THE COURT:** This is a type B plea agreement,  
11 correct?

12 **MR. MATOS DE JUAN:** Yes, Your Honor.

13 **THE COURT:** Mr. Matos, do you wish to make a  
14 statement before I proceed to sentence?

15 **MR. MATOS DE JUAN:** Judge, first of all, I would  
16 like to introduce you to Mr. Dotel's family who is here  
17 because similar to the last sentence, it's rare that you have  
18 a family that stays. This family in particular, I can tell  
19 you for a fact that they have stuck with him because they  
20 have called me pretty much every other day, and they are  
21 always paying attention to what is going on with Mr. Dotel.

22 Here is one of his daughters that I think is laying  
23 on the floor of your courtroom. He has four kids. I'll be  
24 honest with you, Judge, and he is going to go into this more  
25 in his allocution. It really struck to me.

1           Usually, let's just say when they ask, what did you  
2 learn about this, well, let's say they follow a pattern of  
3 the conversation. He said something that really struck me.  
4 "I have never been so humiliated in my life as being arrested  
5 in front of my kids." That struck me because I have to admit  
6 most of my clients aren't exactly active parents. Most of my  
7 clients leave kids along the road --

8           **THE COURT:** That's a good image. I get it.

9           **MR. MATOS DE JUAN:** Yes. Not him. He is in Guayama  
10 which is a hassle to visit because now they only allow you to  
11 visit them in the mornings. Every time I go to visit my  
12 client, usually the conversation starts with, "Have you  
13 spoken with my wife." "Did she call you?" "How is my  
14 family?" That's not the usual question my clients start  
15 with. They usually start with, "What have you done for me?"  
16 Most of my conversations with him start with, "How are they?"

17           My client is in Guayama. There is limited library  
18 in Guaynabo. Guayama has none. Guaynabo has some limited,  
19 you know, you are in the unit most of the day. In Guayama,  
20 you are within your cell most of the day. While that is  
21 pretty hard on the inmate because, you know, staring at four  
22 walls which are barely this wide (indicating) is far from  
23 fun.

24           It has provided my client a lot of time for  
25 introspection, introspection that he has used. Like I said,

1 "What have you learned?" "The most humiliating thing in my  
2 life was being arrested in front of my kid." That's the  
3 answer from a person that has looked inside and realized  
4 where he has screwed up, and not only that, where his  
5 priorities are supposed to be.

6 Similar to the prior case I discussed the case with  
7 the prosecution in charge which is not Mr. Siaca and I say  
8 that because I don't want to place upon him any kind of  
9 knowledge of the plea conversations. I don't want to place  
10 upon him anything. The plea is 135.

11 **THE COURT:** A joint recommendation.

12 **MR. MATOS DE JUAN:** A joint recommendation.

13 My client has asked me to tell you, and I don't  
14 think this is reasonable, and I address this to counsel for  
15 the Government. I think 120 will be adequate to recognize  
16 the rehabilitative process to which he has come. I don't  
17 think it's a breach of the plea because I discussed this with  
18 the Government and there is a joint recommendation. There  
19 is.

20 Having said that, Judge, I will request you to hear  
21 my client during his allocution because he can more  
22 eloquently explain. It's hard to describe -- it's hard for  
23 me to describe for him something that he only personally has  
24 experienced. I request for the Court to listen to my client  
25 before you impose a sentence and impose a sentence as agreed

1 by the parties.

2 **THE COURT:** Thank you.

3 Mr. Dotel, do you wish to make a statement?

4 **THE DEFENDANT:** Yes, Judge.

5 **THE COURT:** Please go ahead.

6 **THE DEFENDANT:** Good day. I would like to apologize  
7 to my wife, my family, my daughter, my mom, my friends, to  
8 those people that know me. The shame that I went through  
9 upon being arrested in the presence of my wife, my daughter  
10 and my mom, I did not think about how bad I would be feeling  
11 as a person by taking a mistake in decision.

12 The Judge will never see me here again because the  
13 time I have been confined to Guayama 1000, that's a max  
14 security prison where I spend 22 hours in the jail where I  
15 eat. Inside my cell everything is done. That is being in  
16 jail. It shows you not to play around with life whenever you  
17 have an opportunity of becoming a better person.

18 What I am asking is for the opportunity to reinvent  
19 myself with my daughter specifically and to be able to go to  
20 an institution where I can work at and to draw a benefit from  
21 this situation I am currently in and being able to be again  
22 with my family and also to be able to thank the Honorable  
23 Judge Arias-Marxuach for allowing me to express myself to my  
24 counsel for the representation that he did for me and that  
25 God and you, yourself, tell me what I do deserve.

1 Thank you very much. Have a good day.

2 **THE COURT:** Thank you, Mr. Dotel.

3 AUSA Siaca?

4 **MR. SIACA-FLORES:** Yes, Your Honor, AUSA Siaca for  
5 the record.

6 At this juncture, it is the position of the  
7 Government to request the imposition of a sentence of 135  
8 months of imprisonment. That is not only what was calculated  
9 in the PSR, the lower end of the range calculated in the PSR,  
10 but it was the lower end calculated in the plea agreement.  
11 We understand that it is sufficient but not greater and  
12 taking into consideration the offense to which he admitted  
13 guilty which was possessing with intent to distribute  
14 650 kilograms of cocaine, Your Honor.

15 We understand that 135 months of imprisonment is  
16 sufficient but not greater than necessary in this case.  
17 That's the position of the Government.

18 **THE COURT:** Thank you, AUSA Siaca.

19 Mr. Dotel, I am baffled as to why you are here in  
20 the sense that you had several brushes with the law until you  
21 were 29 and you did time for narcotics and money laundering  
22 offenses. So you know what hard time is.

23 Then, at approximately 50 years of age with that  
24 family you have on the back bench, you decided to get  
25 involved in this. It is a tragedy. I will sentence you per

1 the plea agreement to 135 months which is the low end of the  
2 range, so I am not doing you an injustice. That is a  
3 sentence that is just and not greater than necessary under  
4 the circumstances of this case.

5 What I want to leave you with is the following: You  
6 told me you wanted to improve yourself and set an example for  
7 your family, specifically for your daughters. You should  
8 have included your wife so as to avoid trouble with another  
9 authority, but you can work that out later.

10 The point is from now until you are 62, you are  
11 going to be in custody and you have to find a way to make  
12 good on that promise to your family, making use of whatever  
13 work and opportunities that are afforded to you so that when  
14 you return to your family, it is for good. So I do wish you  
15 the best of luck and will proceed to sentence.

16 On September 11, 2023, the Defendant Jose Raul Dotel  
17 plead guilty to Count 1 of the indictment filed in Criminal  
18 Case 20-382 pursuant to a plea agreement.

19 Count 1 charges a violation of Title 46, United  
20 States Code Section 70503(a)(1) and Title 21, United States  
21 Code Section 960(b) conspiracy to possess with intent to  
22 distribute a controlled substance on board a vessel subject  
23 to the jurisdiction of the United States, a class A felony.

24 The November 1, 2023 edition of the United States  
25 Sentencing Guidelines has been used to apply the advisory



1 guideline adjustments pursuant to the provisions of Guideline  
2 Section 1B1.11(a).

3 The Guideline for a violation of Title 46 United  
4 States Code Section 70503(a)(1) is Guideline Section 2D1.1.

5 The base offense level for an offense involving more  
6 than 450 kilograms of cocaine is 38 pursuant to Guideline  
7 Sections 2D1.1(a)(5) and (c)(1).

8 The Defendant meets the criteria in Guideline  
9 Section 4C1.1 thru 10 for certain zero point offenders and,  
10 as such, two levels are reduced pursuant to 4C1.1(a).

11 Because he has shown acceptance of responsibility  
12 for his participation in the offense, the offense level is  
13 reduced by three levels pursuant to guideline sections  
14 3E1.1(a) and (b). There are no other applicable guideline  
15 adjustments.

16 Based on a total offense level of 33 and a criminal  
17 history category of one, the guideline imprisonment range for  
18 this offense is from 135 to 168 months with a fine range of  
19 \$35,000 to \$10 million plus a supervised release term of, at  
20 least, five years.

21 The Court has reviewed the advisory guideline  
22 calculations and finds that the Presentence Investigation  
23 Report has adequately applied the guideline computations  
24 which satisfactorily reflect the components of this offense  
25 by considering its nature and circumstances and the Court has

1 considered the other sentencing factors in Title 18 U.S.C.  
2 §3553(a).

3 Mr. Dotel is a 54-year-old citizen and resident of  
4 Carolina, Puerto Rico who has four dependents. The Defendant  
5 completed a high school education and was employed at Los  
6 Duros Tire Center, in Carolina, Puerto Rico, prior to the  
7 instant arrest.

8 The Defendant reported being physically healthy but  
9 noted a history of mental health treatment.

10 Further, he has reported history of using marijuana  
11 and have experimented with cocaine was a teen.

12 This is his fifth known arrest and conviction.

13 Lastly, the Court has taken into consideration the  
14 elements of the offense and Mr. Dotel's participation in the  
15 same.

16 Specifically, he took part in a drug smuggling  
17 venture with other individuals which involved months of  
18 coordination in which he took part, and an at-sea transfer  
19 with approximately 650 kilograms cocaine for delivery in  
20 Puerto Rico.

21 The Court has also considered all other Title 18  
22 Section §3553 factors including the elements of the offense,  
23 the plea agreement between the parties, and the need to  
24 promote respect for the law and protect the public from  
25 further crimes by the Defendant as well as address the issues

1 of deterrence and punishment.

2 The Court deems that a sentence at the lower end of  
3 the guideline range is a sentence that is just and not  
4 greater than necessary.

5 Therefore, it is the judgment of this Court that  
6 Mr. Jose Dotel is hereby committed to the custody of the  
7 Bureau of Prisons to be imprisoned for a term of 135 months.

8 Upon release from confinement, the Defendant shall  
9 be placed on supervised release for a term of five years  
10 under the following terms and conditions:

11 The Defendant shall not commit another federal,  
12 state or local crime and shall observe the standard  
13 conditions of supervised release recommended by the United  
14 States Sentencing Commission and adopted by this Court.

15 The Defendant shall not unlawfully possess  
16 controlled substances.

17 The Defendant shall refrain from possessing  
18 firearms, destructive devices and other dangerous weapons.

19 The Defendant shall provide the U.S. Probation  
20 Officer access to any financial information upon request.

21 The Defendant shall submit his person, property,  
22 house, vehicle, papers, computers as defined in Title 18,  
23 Section 1030(e)(1), other electronic communication or data  
24 storage devices and media to a search conducted by a United  
25 States Probation Officer, at a reasonable time and in a

1 reasonable manner, based upon reasonable suspicion of  
2 contraband or evidence of a violation of a condition of  
3 release. Failure to submit to a search, may be grounds for  
4 revocation of release.

5 The Defendant shall warn any other occupants that  
6 the premise may be subject to searches pursuant to this  
7 condition.

8 The Defendant shall participate in an approved  
9 substance abuse treatment program.

10 The Defendant shall cooperate in the collection of a  
11 DNA sample as a directed by a Probation Officer pursuant to  
12 the revised DNA collection requirements and Title 18, United  
13 States Code Section 3563(a)(9).

14 Defendant shall refrain from the unlawful use of  
15 controlled substances and submit to a drug test within 15  
16 days of release, thereafter, submit to random drug testing no  
17 less than three samples during the supervision period and not  
18 to exceed 104 samples per year in accordance with the Drug  
19 After Care Program Policy of the U.S. Probation Officer  
20 approved by this Court. If deemed necessary, the treatment  
21 will be arranged by the officer in consultation with the  
22 treatment provider.

23 The Defendant is required to contribute to the cost  
24 of the services rendered, that is co-payment, in the amount  
25 arranged by the Probation Officer based on the availability

1 to pay or the availability of third-party payment.

2 The Court finds that the conditions imposed are  
3 reasonably related to the offense of conviction and to the  
4 sentencing factors in Title 18, Section §3553.

5 Further, the Court finds that the condition imposed  
6 are pertinent Sentencing Commission pursuant to Title 28  
7 Section 994(a) and there is no greater deprivation of liberty  
8 than what is reasonably necessary to fulfill all the  
9 sentencing objectives including rehabilitation, positive  
10 reintegration into community, just punishment and deterrence.

11 Having considered Mr. Dotel's financial condition  
12 and the lengthy sentence, a fine is not imposed; however, a  
13 special monetary assessment in the amount of \$100 is imposed  
14 as required by the law.

15 The Defendant has agreed to forfeit all rights,  
16 title and interests in all aspects which are subject to  
17 forfeit as outlined in paragraph 24 of the written plea  
18 agreement.

19 Mr. Dotel, you can appeal your conviction if you  
20 believe that your guilty plea was somehow unlawful or  
21 involuntary or if there is some other fundamental defect in  
22 the proceedings that was not waived by your guilty plea. You  
23 also have a statutory right to appeal your sentence under  
24 certain circumstances, particularly if you think the sentence  
25 is contrary to law.

1 With few exceptions, any notice of appeal must be  
2 filed within 14 days of judgment being entered in your case.  
3 If you are unable to pay the cost of an appeal, you may apply  
4 for leave to appeal in forma pauperis, that is seek  
5 permission to appeal as an indigent person. If you so  
6 request, the Clerk of the Court will prepare and file a  
7 notice of appeal on your behalf.

8 Mr. Matos, is there any request regarding  
9 designation?

10 **MR. MATOS DE JUAN:** Pensacola.

11 **THE COURT:** Any request regarding courses or  
12 training.

13 **MR. MATOS DE JUAN:** He will consent to whatever is  
14 available for him.

15 **THE COURT:** The Court instructs that he be afforded  
16 courses in English as a second language.

17 AUSA Siaca, any counts of the indictment to dismiss?

18 **MR. SIACA-FLORES:** Yes, Your Honor, the Government  
19 moves to dismiss any remaining counts.

20 **THE COURT:** Granted. Leave to withdraw is also  
21 granted.

22 **MR. MATOS DE JUAN:** Maybe I misheard. I think the  
23 Court made reference that he was part of the at-sea transfer.

24 **THE COURT:** No, no, no, "which resulted in an at-sea  
25 transfer." I am aware that's part of a land-based

1 conspiracy.

2           **MR. MATOS DE JUAN:** I wanted to make sure that the  
3 Court had the correct information.

4           **THE COURT:** No, no, no, I am clear as to what his  
5 role was.

6           **MR. MATOS DE JUAN:** Aside from that, Judge, the  
7 Defense has no further requests.

8           **THE COURT:** Then leave to withdraw is granted.

9           (Whereupon, proceedings were adjourned.)  
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24 UNITED STATES DISTRICT COURT )  
25 DISTRICT OF PUERTO RICO )

REPORTER'S CERTIFICATE

I, Robin Marie Dispenzieri, Federal Official Court Reporter for the United States District Court for the District of Puerto Rico, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a true and correct computer-aided transcript of proceedings had in the numbered cause on the date herein set forth; and I do further certify that the foregoing transcript has been prepared by me or under my direction.

Dated this 20th day of October 2024.

*Robin Dispenzieri*

Robin Marie Dispenzieri, RPR, OCR  
Official Court Reporter  
United States District Court of Puerto Rico  
150 Av. Carlos E. Chardón  
San Juan, Puerto Rico 00918  
Rdispenzieri@gmail.com

Robin Marie Dispenzieri, Official Court Reporter  
United States District Court of Puerto Rico